

## **CHINA'S SHIFTING ATTITUDE TOWARD THE WORLD TRADE ORGANIZATION (2002-2012)**

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### **ABSTRACT**

This paper argues China's shifting attitude toward WTO, having examined China's involvement in the WTO dispute settlement system, the approach to the Doha Round, and the attempt to raise China's influence in WTO. From 2001 to 2006, China exerted great efforts to maintain conformity with WTO rules. However, China has changed the attitude toward WTO since 2007. China has intensified its participation in the WTO dispute settlement system. China has come to push its opinions strongly in the Doha Round. This China's attitudinal shift is mainly because the Chinese leaders have changed their perspectives toward WTO. They regard that they cannot obtain the expected profits from WTO. In addition, they have strong confidence in making their own policies after experiencing the big structural variation of the world economy, especially symbolized by the global financial crisis.

**KEYWORDS:** Chinese Foreign Policy, WTO Dispute Settlement System, WTO Doha Round

### **INTRODUCTION**

China decided to build a close relationship with the international society to pursue economic growth. It participated in various international organizations and secured its membership in the World Trade Organization (WTO) in December 2001 after 15 years of negotiation. China regarded WTO as the key economic organization to gain market access for its exports and to achieve economic growth.<sup>1</sup> After its entry, China gained rapid economic growth in the 2000s and eventually turned into the second biggest economy power of the world in 2009. The China's presence in the international society has been increasing in domains such as economy, military and politics. WTO is a key organization of the international economic order. The organization officially commenced on 1 January 1995, replacing the General Agreement on Tariffs and Trade (GATT) implemented in 1948. WTO intends to supervise and liberalize international trade. WTO agreements cover goods, services and intellectual property. Many are now being negotiated under the Doha Development Agenda (Doha Round), launched in November 2001.<sup>2</sup> In addition, WTO is highly institutionalized. Especially, the WTO dispute settlement system has been utilized by many member countries for resolving trade quarrels.

From 2002 to 2006, Chinese government positively fulfilled WTO requirements. China exerted great efforts in reforming its domestic system. Its law system made progress and the transparency was secured.<sup>3</sup> This enabled it to maintain conformity with WTO rules. At the same time, China acted cooperatively in the Doha Round. Chinese government appealed to the international society that they made great efforts to comply with WTO rules.<sup>4</sup> However, China has changed its stance towards WTO since 2007. The number of cases in which China's actions has been judged to violate WTO rules and brought to the WTO dispute settlement system has been increasing. Furthermore, China started to push its opinion aggressively in the Doha Round.

This paper tries to analyze how and why China has changed the attitude toward WTO for the period 2002 to 2012. The methodology is textual and statistical analysis, which will examine the following aspects: the first is the process how China becomes the main player of the WTO dispute settlement system; the second is the approach to the Doha Round; the third is the attempt to raise China's influence in WTO. The reason why I chose these three aspects is because WTO has mainly two functions: one is the implementation and monitoring of WTO agreements; second is the trade negotiation for making new agreements. Through investigation on the Chinese perspective toward these two functions, this paper specifically examines China's behavior pattern toward WTO.

## **LITERATURE REVIEW**

Previous academic studies have focused on the problem of how WTO could engage China. The studies investigated the degree of how the Chinese market had changed from planned economy to market economy.<sup>5</sup> The other studies examined how the Chinese law systems were amended.<sup>6</sup> Moreover, other studies examined how the reform of the Chinese political system was promoted.<sup>7</sup> Many studies evaluated the Chinese attitude toward WTO from 2001 to 2006.<sup>8</sup> However, China has changed its attitude toward WTO since 2007. This paper pays more attention to the relationship between China and WTO after 2007.

Many recent studies focus on China's involvement in the WTO dispute settlement system.<sup>9</sup> Li (2012) argues that China has changed from cautious observer to active participant, because the learning and socialization process has led to an attitudinal shift in China's normative orientation regarding its use of the system.<sup>10</sup> Chi (2012) discusses mainly the impacts on China. China's active participation is helpful for China to improve its trade and socio-political governance regimes and to maintain healthy and constructive trade relations with other WTO members.<sup>11</sup> In addition, some studies focus on the China's participation in WTO negotiations. Gao (2012) claims that China makes its way into the core decision-making group of WTO rather late during the round. However, China has been playing only supportive rather than leading role among the developing countries, because China shares much fewer similarities with the average developing country.<sup>12</sup>

Different views and analyses from the academic papers are presented. This paper tries to analyze China's attitude toward WTO more comprehensively. This will contribute to the current understanding about China's WTO experience by adding new perspectives which were not fully discussed in the previous literature.

## **CHINA'S INTENSIFYING INVOLVEMENT IN THE WTO DISPUTE SETTLEMENT**

Before 2006, China was an inactive player in the dispute settlement system. China used the system as a complainant only once. The US Steel Safeguard case (DS252) was the only instance in which China complained against one of its trading partners, US. Besides, China was not a sole complainant, but a member of a team led by EU and Japan in this case. In addition, there were only four cases in which China was involved as a respondent before 2006. This is probably because China lacked the knowledge and experience to deal with the complexity of the WTO dispute settlement procedures. China lacked the legal, financial, and human resources at that time. At the same time, the trading partners refrained from claiming the newcomer to the dispute settlement system.

China became an active participant as a third party over the years. From 2002 to 2006, the number of the cases which China joined as a third party, reached 59 out of 114. This is over half of all the cases.<sup>13</sup> To join the cases as a third party participant is a good way to obtain valuable experiences by observing and commenting on the disputes. Simultaneously, China made efforts to catch up with the shortage of human resources equipped with the knowledge of

WTO rules. Chinese government set up research centers both in Beijing and in Shanghai before its WTO entry. These two research centers have been providing research and assistance to both government and industry.<sup>14</sup> Moreover, the Department of WTO Affairs under the Ministry of Commerce (MOFCOM) had sent over 100 officials, scholars, and lawyers for training in US and Geneva on WTO affairs by 2006.<sup>15</sup> For the Chinese government, the initial five years after its accession was the period to learn its procedure and legal knowledge in the WTO dispute settlement system.

Since 2007, China has intensified its participation in the WTO dispute settlement. The number of cases in which Chinese actions have been judged to violate WTO rules and brought to the WTO dispute settlement system has been increasing. From 2007 to 2012, China had been involved in 30 WTO cases as a respondent. Simultaneously, the number of cases in which China itself became a complainant has also been increasing. In 2009, 7 out of the 14 cases, half of all the disputes filed in that year involved China as a respondent or a complainant. China becomes the main player among those who utilize the dispute settlement.

Regarding the cases which China used the system as a complainant, the number of the cases has been increasing. There will be various reasons for China's shift of attitude. First, China has been forced to utilize the system in order to protect its trade profits, because the trade frictions have been greatly intensified in recent years. In 2002, China was the fifth largest exporter and the sixth largest importer in the world. With the rapid economic growth, China became the second largest exporter and the third largest importer in the world in 2007. Because of its rapid growth and its significant economic size, the trade frictions with China have been greatly intensified. WTO members have been inclined to resort to the WTO dispute settlement rather than bilateral negotiations to address their concerns. To resolve the problems, China itself started to utilize the system to protect its trade profits. Actually, many Chinese intellectuals have been sharing the idea that WTO dispute settlement system prevents other countries from trade protectionism and protects its trade profit.<sup>16</sup> Secondly, it seems that China's rapid economic development in recent years has enhanced Chinese leaders' confidence in confronting the world. China learned the judicial procedures and knowledge of its system for the initial five years. China itself started to utilize the system to protect its trade profits after the period of learning the system.

Regarding the cases which China was claimed as a respondent, a large number of the instances have been against China's strategy to state-owned enterprises (SOEs). China has the contradiction between the policies emphasizing state control over the market and those emphasizing market incentives. Under the Hu Jintao Administration, it had enhanced its strategies of the SOEs. In 2003, China set up the State Assets Supervision and Administration Commission (SASAC) to manage its SOEs. It brought particularly giant SOEs directly under the control of the central government. The SOEs are entitled to various privileges and even market monopoly. Actually, the SOEs have become the core element of China's economic development in 2000s. Nevertheless, the existence of various SOEs in China has been incongruous with WTO agreements, particularly the relevant rules of anti-dumping, subsidy, and market accession. Actually, China's SOEs have been the main targets in the WTO dispute settlement. For instance, in the case of China-Audiovisual Services (DS363), US claimed that certain Chinese measures were inconsistent with WTO law. China granted trading and distribution rights of certain cultural products mainly or exclusively to certain SOEs.<sup>17</sup> In the Hu Jintao era, China's reliance on the SOEs had been intensified. As long as China's reliance on its SOEs continues, many countries will target China's strategy to SOEs in the WTO dispute system from now on.

**Table 1: The Number of China's WTO Cases (2002-2012)**

Year	The Number of Cases	As Complainant	As Respondent	Percentage of Participation
2002	37	1	0	2.7%
2003	26	0	0	0%
2004	19	0	1	5.2%
2005	11	0	0	0%
2006	21	0	3	14.3%
2007	13	1	4	38.5%
2008	19	1	5	31.6%
2009	14	3	4	50.0%
2010	17	1	4	29.4%
2011	8	1	2	37.5%
2012	27	3	7	37.0%
<b>Total</b>	<b>212</b>	<b>11</b>	<b>30</b>	<b>19.34%</b>

**Source:** WTO Homepage, Chronological list of disputes cases,

<[http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_status\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm)>, [access, 28 August 2014].

**Table 2: Ranking of WTO Disputes by Country**

Country	Number of Dispute Cases (As Complainant / As Respondent)
1. United States of America	223 (104/119)
2. European Union	160 (87/73)
3. Canada	50 (33/17)
4. India	42 (21/21)
5. China	41 (11/30)
6. Argentina	40 (18/22)
7. Brazil	40 (26/14)
8. Mexico	37 (23/14)
9. Japan	32 (17/15)
10. Republic of Korea	29 (15/14)

**Note:** This number is from January 1995 to December 2012. Only China's number is since December 2001.

**Source:** WTO Homepage, Disputes by Country/territory,

<[http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_by\\_country\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm)>, [access, 28 August 2014 access]

## CHINA'S CHANGING NEGOTIATION STYLE IN THE DOHA ROUND

Recently, China has strengthened its commitment in the process of the decision-making in the Doha Round. WTO describes itself as a rules-based, member-driven organization, all the decisions are made by the consensus, and the rules are the outcome of negotiations among members.<sup>18</sup> However, there are more than 150 member countries including EU in WTO. Conventionally, a few developed countries known as the Quad, including US, EU, Canada, and Japan, held informal meetings to discuss many topics. After that, they laid the background to get the consensus to make a breakthrough in the negotiations.<sup>19</sup>

China's approach toward the Doha Round can be divided into three stages.<sup>20</sup> In the first stage from 2001 to 2005, China was not an active player in it. China was on its way to learn WTO rules and customs, did not express its opinion nor show its disapproval to WTO rules. As a new member, China was not familiar with the rules of negotiation. China had not get the negotiation skills such as agenda setting and coalition-building yet. In addition, China was preoccupied with heavy accession commitments. Its concessions on both trade in goods and services greatly exceeded those of other WTO members. Furthermore, the early stage of its negotiations focused mostly on agriculture. China was a net importer of

agricultural products, and most of its agriculture products were sold in its huge domestic market.<sup>21</sup> Thus, China did not have a strong interest in the agricultural negotiations, compared with the other member countries like US and India.

The second stage is from 2005 to 2008. The 6th Ministerial Conference was held in Hong Kong in December 2005. The Ministerial Conferences is the topmost decision-making body of WTO, which usually meets every two years. There were three main topics to be discussed, agriculture, commodity issues, and the special treatment for the Least Developed Countries (LDCs).<sup>22</sup> At the conference, members tried to reap some early harvest of the negotiation results before the conclusion of a comprehensive agreement in order to push the negotiation forward. China exerted much effort to adjust the interest among member countries, especially acting as a mediator between the developing countries and the developed countries. China voluntarily offered to provide duty-free and quota-free market access to imports from LDCs, even though this is a requirement only for the developed countries including US, EU, and Japan. China had sacrificed some of its own interests to generate impetus towards the round.<sup>23</sup>

The third stage is from 2008 to 2012. China started pushing for their position strongly since 2008. WTO's decision-making process has been more politicized and complex, reflecting the diversity and expectations of WTO's membership. Particularly, the rise of the emerging economies of Brazil, China and India makes it more complicated. The so-called G6, which consisted of US, EU, Japan, Australia, Brazil, and India, expanded to G7 (plus China) at the July 2008 Mini-Ministerial conference in Geneva. China was invited for the first time to join the core decision-making body at the conference. China had successfully attained this position only seven years after its WTO entry. However, China changed its negotiation style at that meeting. China insisted on its profits, especially concerning with the agriculture. India also refused to give in on special products and a special safeguard mechanism. This brought the serious confrontation between US, China and India. US strongly criticized China's shift of attitude.<sup>24</sup>

The Doha Round could not make the new international trade rules in the final stage. Its rules will continue to be implemented for at least for 10 to 15 years from now on. There are many reasons why the Doha Round is still stagnated, such as increased member countries and many topics to be discussed. The new confrontation between US, China and India makes the settlement of its negotiation more difficult.

## **CHINA'S STRUGGLE TO RAISE ITS INFLUENCE IN WTO**

The Chinese government has shown that China will push for a reform of the international economic system and promote the international economic order to develop in a fair and reasonable manner. China will actively take part in the drafting and amending of the international regulations and standards to increase its influence in international economic and financial organizations.<sup>25</sup> In fact, China has been working to improve its status and its power in WTO. China has been increasing its financial contribution to WTO. The financial contributions are determined according to each member's share of international trade (%), based on trade in goods, services and intellectual property rights in the last three years for which data is available.<sup>26</sup> Although WTO rules are decided by the way of members' consensus, it can be said that its influence in WTO will be raised according to its contribution.

**Table 3: Members' Contributions to WTO Budget and the Budget of the Appellate Body**

Ranking	2002		2011	
1	United States of America	15.723%	United States of America	12.422%
2	Germany	9.291%	Germany	8.856%
3	Japan	6.629%	China	6.878%
4	United Kingdom	5.862%	Japan	4.963%
5	France	5.541%	United Kingdom	4.841%
6	Italy	4.407%	France	4.489%
7	Netherlands	3.625%	Italy	3.741%
8	Canada	3.914%	Netherlands	3.233%
9	Hong Kong, China	3.345%	Canada	3.021%
10	China	2.973%	Republic of Korea	2.685%
	<b>Total 100%</b>		<b>Total 100%</b>	

**Source:** WTO Homepage, Members, contributions to WTO budget and the budget of the Appellate Body, <[http://www.wto.org/english/thewto\\_e/secre\\_e/contrib11\\_e.htm](http://www.wto.org/english/thewto_e/secre_e/contrib11_e.htm)>, [access, 30 October 2014].

Simultaneously, China has been trying to secure higher positions for its officials in WTO. Until now, two Chinese women served in a high position in WTO. Miss Zhang Yuejiao, the former professor of the Swatow University, took the post of the Appellate Body from 2008 to 2012.<sup>27</sup> Miss Guo Xuejie was elected the Chairman of the TBT committee (The Agreement on Technical Barriers to Trade) in July 2008.<sup>28</sup> However, China is not satisfied with the situation and claims that the higher posts in international organizations have been distributed unfairly. At the same time, China aims to place more Chinese staff to work for WTO Secretariat. WTO headquarters is located in Geneva, Switzerland. The staffs of its Secretariat are mainly from European countries. Of course, the Secretariat staffs do not work on behalf of their country. However, China has been complaining that the difference between the number of staffs from China and EU is too large.<sup>29</sup>

Now, many Chinese scholars are discussing that the China's status in the international society remains low, Chinese government should try to strengthen its influence and its soft power over international organizations.<sup>30</sup> China's demand for high position in WTO will continue hereafter.

**Table 4: Staff of WTO Secretariat among So-Called "G7"**

Member	Staff (Total 639)
European Union	368
United States of America	30
India	12
Brazil	8
Austria	8
China	5
Japan	3

**Note:** This is on 31 December 2012. EU(368)...France 181, United Kingdom 72, Spain 46, Germany 16, Italy 13, Ireland 11, Austria 5, Belgium 5, Poland 5, Sweden 4, Denmark 2, Estonia 1, Hungary 1.

**Source:** WTO Homepage, Overview of the WTO Secretariat, <[http://www.wto.org/english/thewto\\_e/secre\\_e/intro\\_e.htm](http://www.wto.org/english/thewto_e/secre_e/intro_e.htm)>, [access, 30 October 2014].

## DISCUSSION OF THE ANALYSIS

There are several factors that can explain China's shifting attitude toward WTO since 2007. Concerning with the reason why China choose to join GATT and WTO, the former WTO ambassador Sun Zhenyu declared the following three reasons were the most important at the time. The first was that China regarded WTO as the key economic organization to gain market access for its exports and to achieve economic growth. The second was that one faction in China's political

party that push for trade liberalization needed to reform the domestic market and law system, taking advantage of international pressure. The third was that China had the aspiration to get an influential status within the organization, in which established future international trade rules.<sup>31</sup>

First, the Chinese government has been shifting their strategy of economic growth from the export-led to the domestic demand-led since the mid-2000. China's economy continued to flourish on export by mid-2000. China turned into the world's largest exporting country, accumulating various foreign currencies. Simultaneously, trade frictions intensified in every corner of the world. Chinese made products became the target of trade bailout not only from the developed countries but also from the developing countries in the dispute settlement system. China amended its economic growth pattern around mid-2000. China has come to emphasize the importance of both export and import, and to maintain balance of trade. Furthermore, China makes much of its expansion of domestic demand. On March 2011, the National People's Congress (NPC), China's top legislature, voted in favor of the 12th five-year plan for national economic and social development, which was a grand blueprint for China's economic and social development in the next five years. The plan laid the "transforming growth pattern" at the first chapter.<sup>32</sup> It declared that China made an earnest effort to transform growth pattern. Of course, the acquisition of peaceful international environment has still been important for Chinese economic development. However, it has become less important than in the first half of the 2000s.

Second, China has changed its view to conform to WTO's functions of external pressure in order to promote its domestic reform. Under the Hu Jintao Administration, China's policy of reform and opening-up had stagnated and the governmental commitment with the market had become strong. Chinese government had increasingly tightened control of the economy. Especially, the large state-owned enterprises came to monopolize the important industrial domain such as energy and telecommunications. This situation contradicts with the principles of WTO, which intends to promote trade liberalization. WTO's function as the external pressure for reform and opening-up policy has fallen sharply. Especially, Chinese leaders have strong confidence in making their own policies and in changing WTO policies after experiencing the big structural variation of the world economy, symbolized by the global financial crisis.

Third, concerning the Chinese aspiration to gain more influence within the organization, China cannot get the benefit which it expected to obtain before. China was successfully invited to join the core decision-making body since July 2008. China's aim to gain the influential statue in WTO had accomplished to certain extent. Nonetheless, the Doha Round has been stagnated. It can neither make big progress nor make new rules for trade liberalization. This is partly because of the serious confrontation between US and the rising countries including China. Therefore, many countries tend to seek other ways to improve their own economic and trade relationships by using frameworks such as FTA (Free Trade Agreement), which is limited to only a few participants. The influence of WTO has been decreasing compared to before. China cannot obtain the expected benefit from its entry.

## CONCLUSIONS

This paper discussed China's changing attitude toward WTO, having examined China's involvement in the WTO dispute settlement system, the approach to the Doha Round, and the attempt to raise China's influence in WTO. Through the examination of China's attitude toward WTO, this paper found that from 2001 to 2006, China exerted great efforts to maintain conformity with WTO rules. In the WTO dispute settlement system, China was a silent player. The disputes which involved China as a respondent or a complainant were few. In the Doha Round, China acted like a mediator between the developing countries and the developed countries in 2005 Ministerial conference. However, China has changed the

attitude toward WTO since 2007. China has intensified its participation in the WTO dispute settlement system. The number of cases in which China's actions have been judged to violate WTO rules and brought to the WTO dispute settlement system has also been increasing. With the increase of trade frictions with trading partners, China itself started to utilize the system in order to protect its trade profits. In addition, China has come to push its own opinions strongly in the Doha Round.

This China's attitudinal shift is mainly because the Chinese leaders have changed their perspectives toward WTO. They regard that they cannot obtain the expected profits from WTO. In addition, they have strong confidence in making their own policies after experiencing the big structural variation of the world economy, especially symbolized by the global financial crisis. The new administration under Xi Jinping will adopt the same attitude toward WTO for the present. China's approach has a big impact on WTO's future and the trading partners. Therefore, We need to keep track of China's attitude toward WTO carefully from now on.

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